IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

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CIVIL SECOND APPEAL No. 291 of 2007

GANPATLAL
V/S
MAHENDRA SINGH

Mr. SANDEEP SARUPURIA, for the appellant / petitioner

Date of Order : 11.10.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

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Heard learned counsel for the appellant, perused the impugned orders.

Both the learned courts below have dismissed the suit for eviction, which was filed on the ground of denial of title of the landlord, default and bonafide necessity.

The finding on the question of bonafide necessity is a finding of fact, and is not shown to be vitiated on any of the grounds available under Section 100 CPC. So far finding on default is concerned, the learned courts below have discussed the evidence in this regard also and found that the defendant had incurred expenditures adjustable in the rent, then money order was sent and the rent has been deposited in the Court vide Ex.A/25 to A/33, thus, he is not defaulter. This finding, in my view, also does not require any interference. So far the denial of title is concerned, it has been considered that the defendant has only denied derivative title, and did not mean to deny the

title as contemplated by the provisions of Section 13. In my view, that finding also does not require any interference.

The appeal thus, does not involve any substantial question of law. The same is, therefore, dismissed summarily.

( N P GUPTA ),J.

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